

REMARKS

Claims 7-13 are pending in this application. By this Amendment, claims 7 and 11 are amended to correct asserted minor informalities. No new matter is added.

Section 102/103 Rejections

The Office Action rejects claim 7 under 35 U.S.C. § 102(b) as being anticipated by Sato et al. (JP 10065211). Similarly, claim 8 is rejected under 35 U.S.C. § 103(a) as being obvious over Sato et al., claims 8-10 are rejected under 35 U.S.C. § 103(a) as being obvious over Sato et al. in view of Momoi (JP 04250674) and claim 11 is rejected under 35 U.S.C. § 103(a) as being obvious over Sato et al. in view of Nisikawa et al. (JP 59085868).

The Office Action asserts that Sato et al. discloses a pellet 1, a major front surface 5 of which is made of a GaAsP mixed crystal characterized in that the major front surface is a rough surface.

However, as Applicants understand Sato et al., the "roughened surface 5" is actually the front surface on a GaP substrate 1, not on the GaAs1-xPx epitaxial layer 2 or GaAs1-xPx expitaxial layer 3. Thus, Sato et al. does not teach or suggest a major front surface made of a GaAsP mixed crystal that is a rough surface, as required by the present claims. Thus Applicants respectfully submit that the presently claimed invention can not be anticipated by and would not have been obvious over Sato et al.

As none of JP 4-116162, Momoi and Nishikawa et al. teach or suggest a major front surface made of a GaAsP mixed crystal that is a rough surface, none of these references make up for the deficiencies of Sato et al. Thus, Applicants respectfully

submit that the presently claimed invention would not have been obvious over Sato et al. in view of any combination of these references.

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300, making reference to Attorney Docket No. 107242-00005.

Respectfully submitted,

A handwritten signature in black ink, reading "Robert K. Carpenter". The signature is written in a cursive, flowing style with a large, sweeping "C" at the end.

Robert K. Carpenter
Registration No. 34.794

Customer No. 004372
ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
1050 Connecticut Avenue, N.W., Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810
RKC/mzk

Attachment: Marked-Up Copy of Amended Claims

MARKED-UP COPY OF AMENDED CLAIMS

7. (Amended) A light emitting code comprising a pellet, a major front surface of which is made of a GaAsP mixed crystal, characterized in that the major front surface is a rough surface.

11. (Amended) A fabrication for a light emitting diode having a pellet, a major front surface of which is made of a GaAsP mixed crystal, characterized in that the pellet is treated with an etching solution of an aqueous solution containing Br₂ or I₂ to form fine projections on at least the major front surface of the pellet.